

EXHIBIT G030012M:B

ORDINANCE NO. 3096

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.104 BY AMENDING SECTION 22.140.090 RELATING TO THE COMMERCIAL SERVICE AREA ON THEATER DRIVE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.104.090 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by amending Figure 104-58 as follows:

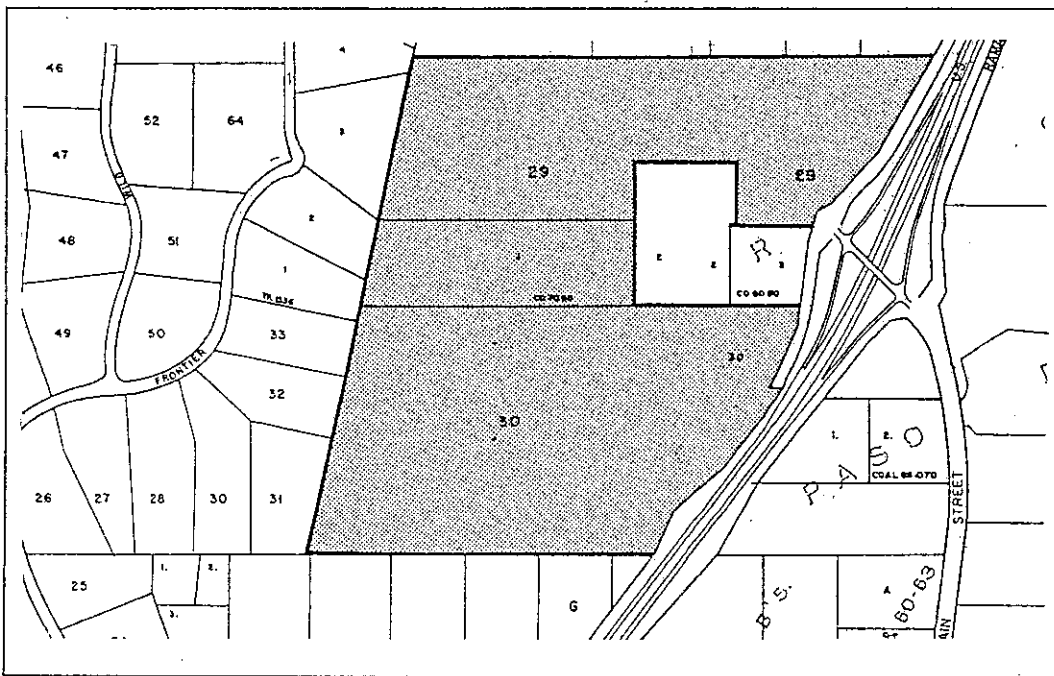


Figure 104-58 - RR - Theatre Drive and North Main Street

SECTION 2: Section 22.104.090.I of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, by adding a new subsection 4 and new Figure and renumbering the figures as necessary as follows:

4. **Theater Drive.** The following standards apply to a property on the west side of the Theater Drive/Highway 101 interchange, as shown in Figure 104-69.

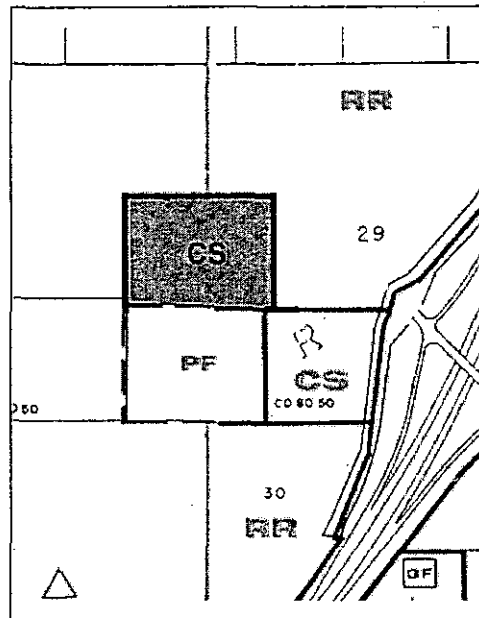


Figure 104-69 - CS - Theatre Drive

- a. **Limitation on use.** Land uses shall be limited to agricultural processing, agricultural accessory structures, caretaker residence, crop production and grazing, incidental offices, accessory storage, outdoor storage yards, and vehicle and freight terminals.
- b. **Screening.** Any structures, parking areas and access roads visible from Highway 101, Main Street or Theater Drive shall be screened with landscaping capable of providing 80 percent screening within five years of installation.
- c. **Noise.** A noise mitigation plan shall be submitted with application for land use permit or land division. The plan shall include measures such as buffers, solid feeding, vegetated earthen berms and site design that would ensure that generation of noise would not significantly affect future residential uses on adjacent sites.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

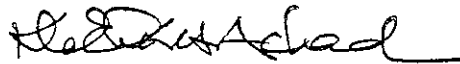
INTRODUCED at a regular meeting of the Board of Supervisors held on the twenty-second day of August, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the twelfth day of September, 2006, by the following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, Jerry Lenthall, Shirley Bianchi, James R. Patterson,
Chairperson K.H. 'Katcho' Achadjian

NOES: None

ABSENT: None

ABSTAINING: None



Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: C. Christensen Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

By: 
Deputy County Counsel

Dated: 8.30.06